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10/827,303	04/20/2004	Gabriel Charlet	Q80975	2577

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EXAMINER

HELLNER, MARK

ART UNIT PAPER NUMBER

3663

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Drawings

The drawings are objected to because the text for figure 2, element 34 did not copy clearly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lelic et al (6,535,330).

Lelic et al disclose an optical amplifier comprising: first (11) and second (15) optically pumped signal light amplification stages; a tilt controller (20) linked to a control unit (22); an optical monitor (41 and 43) analyzing signal powers; wherein the amplified spontaneous emission of the optical amplifier is measured at two extreme wavelengths of the signal band to derive control signals for the tilt controller (see column 4, lines 25-30).

The structure recited above reads on claim 1.

Claim 2 is taught by element (20).

Claim 4 is taught by column 3, lines 15-40.

Claim 7 is taught by column 1, line 15.

Claim 8 is taught by the operation of the structure applied to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lelic et al.

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Claim 3 would have been obvious in view of the long recognized fact that a variable attenuation slope compensator falls into the category of a variable optical attenuator and, as such, would have been suggested by element (20) of Lelic et al.

Claim 5 would have been obvious because the interchanging of erbium and Raman fiber was well recognized at the time of the present application.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Mark Hellner at telephone number 571 272 6981.

Mark Hellner

Primary Examiner

AU 3663

A handwritten signature in black ink that reads "Mark Hellner". The signature is written in a cursive, flowing style.